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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 9th December, 1965:—

BILL No. XVII OF 1965

A Bill further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Merchant Shipping (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

44 of 1958.

2. In section 3 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act),—

(*a*) clause (*1*) shall be re-numbered as clause (*1A*) and before the clause as so re-numbered, the following clause shall be inserted, namely:—

'(*1*) "cargo ship" means a ship which is not a passenger ship;';

(b) after clause (*18*), the following clause shall be inserted, namely:—

'(*18A*) "international voyage" means a voyage from or to a port or place in India to or from a port or place outside India;';

(c) after clause (*22*), the following clause shall be inserted, namely:—

'(*22A*) "nuclear ship" means a ship provided with a nuclear power plant;';

(d) in clause (*37*), for the figures and words "10th day of June, 1948", the figures and words "17th day of June, 1960" shall be substituted;

(*e*) for clause (*38*), the following clause shall be substituted, namely:—

'(*38*) "safety convention certificate" means,—

(*i*) a passenger ship safety certificate,

(*ii*) a qualified passenger ship safety certificate,

(*iii*) a cargo ship safety construction certificate,

(*iv*) a qualified cargo ship safety construction certificate,

(*v*) a cargo ship safety equipment certificate,

(*vi*) a qualified cargo ship safety equipment certificate,

(*vii*) a cargo ship safety radio telegraphy certificate,

(*viii*) a cargo ship safety radio telephony certificate,

(*ix*) an exemption certificate,

(*x*) a nuclear passenger ship safety certificate,

(*xi*) a nuclear cargo ship safety certificate,

issued under Part IX or, as the case may be, Part IXA.';

(f) after clause (*48*), the following clause shall be inserted, namely:—

'(*48A*) "tanker" means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;'.

Amendment of section 9.

3. In section 9 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Without prejudice to the provisions of sub-section (*1*), the Central Government, in the case of cargo ships, may, by notification in the Official Gazette authorise any person or body of persons, on such terms and conditions as may be specified therein, to be surveyor or surveyors for the purposes of this Act.".

Amendment of section 241.

4. In section 241 of the principal Act, in sub-section (*3*),—

(*a*) for the words and figures "or a safety certificate granted under Part IX", the words, figures and letter "or a passenger ship safety certificate granted under Part IX or, as the case may be, a nuclear passenger ship safety certificate granted under Part IXA" shall be substituted;

(*b*) for the words "accept the certificate of survey or safety certificate", the words "accept the certificate of survey or the passenger ship safety certificate or, as the case may be, the nuclear passenger ship safety certificate" shall be substituted.

Amendment of section 242.

5. In section 242 of the principal Act, in clause (*c*), for the words "a safety certificate", the words "a passenger ship safety certificate or a nuclear passenger ship safety certificate" shall be substituted.

Amendment of section 244.

6. In section 244 of the principal Act, in the proviso, for the words "a safety certificate", the words "a passenger ship safety certificate or a nuclear passenger ship safety certificate" shall be substituted.

Amendment of section 284.

7. In section 284 of the principal Act, for the words "passenger ships", wherever they occur, the words "passenger or cargo ships" shall be substituted.

Amendment of section 288.

8. In section 288 of the principal Act, in sub-section (*2*),—

(*a*) after clause (*h*), the following clause shall be inserted, namely:—

"(*hh*) the training of crew in launching and using life-rafts;";

(*b*) in clauses (*i*)
"boats or rafts" shall b

Amendment of section 291

9. In section 291 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Every Indian passenger ship and every Indian cargo ship of three hundred tons gross tonnage or more, shall, in accordance with the rules made under section 296, be provided with a radio installation and shall maintain a radio telegraph service or a radio telephone service of the prescribed nature and shall be provided with such certificated operators as may be prescribed.";

(b) in sub-section (2), for the words "any other ship of sixteen hundred tons gross or more shall be a radio telegraph installation; and that required to be provided for a ship of less than sixteen hundred tons gross, other than a passenger ship,", the words "any cargo ship of sixteen hundred tons gross or more shall be a radio telegraph installation; and that required to be provided for a cargo ship of less than sixteen hundred tons gross" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Central Government may, having regard to the length of the voyage or voyages on which a ship or a class of ships is engaged and the maximum distance such ship or class of ships will be from the shore during such voyage or voyages, exempt, by order in writing and subject to such conditions and restrictions as may be specified therein, any ship or class of ships from compliance with all or any of the obligations imposed by or under this section, if that Government is satisfied that such compliance would be unreasonable or unnecessary:

Provided that an exemption from the obligation to provide with radio telegraph installation in respect of any passenger ship or in respect of any cargo ship of sixteen hundred tons gross tonnage or more shall be subject to the condition that she shall have on board a radio telephone installation:

Provided further that no exemption shall be granted under this section, if it will have an adverse effect on the general efficiency of the distress service for the safety of ships.".

Amendment of section 292.

10. Section 292 of the principal Act shall be re-numbered as sub-section (*1*) of that section and after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) The Central Government may, by order in writing and subject to such conditions and restrictions as may be specified therein, exempt any ship under five thousand tons gross tonnage from the obligation imposed by sub-section (*1*), if that Government is satisfied, having regard to the area or areas in which the ship is engaged on a voyage or voyages and the value of radio direction finder as a navigational instrument and as an aid to locating ships, aircraft or survival craft, that such compliance would be unreasonable or unnecessary.".

Amendment of section 294.

11. In section 294 of the principal Act, in sub-sections (*1*) and (*3*), the words "and watchers" shall be omitted.

Amendment of section 296.

12. In section 296 of the principal Act,—

(*a*) in sub-section (*1*), after the words "radio telephony", the words "or radio direction finders" shall be inserted;

(*b*) in sub-section (*2*), after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the nature of radio telegraph installation to be provided on motor life-boats and survival craft;".

Amendment of section 297.

13. In section 297 of the principal Act, for the words "signalling lamp of the type approved", the words "signalling lamp which shall not be solely dependent upon the ship's main source of electrical power and which shall be of the type approved" shall be substituted.

Amendment of section 298.

14. In section 298 of the principal Act,—

(*a*) in sub-section (*1*), for the words "about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship", the words "as is necessary to enable the master by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service" shall be substituted;

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) The information shall be in such form as may be approved by the Central Government (which may approve the provision of the information in the form of a diagram or drawing only) and shall be suitably amended whenever

any alterations are made to the ship so as to materially affect such information.

(*2A*) The information shall be based on the determination of the ship's stability by means of an inclining test of the ship and any amendment thereto shall be effected, if necessary, after re-inclining the ship:

Provided that the Central Government may, by a general or special order—

(*a*) in the case of any ship, allow the information or an amendment thereto to be based on a similar determination of the stability of a sister-ship;

(*b*) in the case of a ship specially designed for the carriage of liquids or ore in bulk, or of any class of such ships, dispense with such tests if it is satisfied from the information available in respect of similar ships that the ship's proportions and arrangements are such as to ensure more than sufficient stability in all probable loading conditions.";

(*c*) in sub-section (*3*), after the words "any information", the brackets and words "(including any amendment thereto)" shall be inserted;

(*d*) in sub-section (*4*), after the word "information", the brackets and words "(including any amendment thereto)" shall be inserted.

Amendment of section 299.

15. In section 299 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "radio telephony installation", the words "and radio direction finder" shall be inserted;

(*ii*) for the words "safety certificate", the words "passenger ship safety certificate" shall be substituted;

(*b*) in sub-section (*2*), for the words "qualified safety certificate", the words "qualified passenger ship safety certificate" shall be substituted.

Insertion of new sections 299A and 299B.

16. In the principal Act, after section 299, the following sections shall be inserted, namely:—

Safety construction

"299A. (*1*) Where in respect of any Indian cargo ship of five hundred tons gross or more the Central Government is satisfied that the ship has been surveyed in the manner pres-

cribed under section 299B and that she complies with the construction rules made under section 284, the Central Government may issue in respect of the ship— Certificates and construction certificates for cargo ships.

(*a*) if the ship performs international voyages, a certificate in the prescribed form to be called a cargo ship safety construction certificate;

(*b*) in other cases, a certificate in the prescribed form, to be called a cargo ship construction certificate.

(*2*) Where in respect of any such ship as is referred to in sub-section (*1*) there is in force an exemption certificate granted under section 302 of the Act and the Central Government is satisfied that the ship complies with all the requirements referred to in that sub-section other than those from which the ship is exempt under that certificate, the Central Government may issue in respect of the ship a certificate in the prescribed form to be called a qualified cargo ship safety construction certificate or a qualified cargo ship construction certificate.

299B. (*1*) The Central Government may, subject to the condition of previous publication, make rules to regulate the making of surveys of cargo ships under this Part. Power to make rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the times and places at which, and the manner in which, surveys are to be made;

(*b*) the requirements as to construction, machinery, equipment and marking of sub-division load-lines which are to be fulfilled by cargo ships generally or by any class of cargo ships in particular;

(*c*) the duties of the surveyor making a survey;

(*d*) the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places or ports of survey;

(*e*) the closing of, and keeping closed, the openings in ships' hulls and any water-tight bulk-heads;

(*f*) the securing of, and keeping in place, and the inspection of, contrivances for closing any such openings as aforesaid;

(*g*) the operation of mechanisms of contrivances for closing any such openings as aforesaid and the drills in connection with the operation thereof; and

(*h*) the entries to be made in the official log book or other record to be kept of any of the matters aforesaid.".

Amendment of section 300.

17. In section 300 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "any Indian ship of five hundred tons gross or more, not being a passenger ship,", the words "any Indian cargo ship of five hundred tons gross or more," shall be substituted;

(*ii*) the words "and radio telegraphy or radio telephony installation" shall be omitted;

(*iii*) in clause (*a*), for the words "safety equipment certificate", the words "cargo ship safety equipment certificate" shall be substituted;

(*iv*) in clause (*b*), for the words "equipment certificate", the words "cargo ship equipment certificate" shall be substituted;

(*b*) in sub-section (*2*), after the word "qualified", at both the places where it occurs, the words "cargo ship" shall be inserted.

Amendment of section 301.

18. In section 301 of the principal Act,—

(*a*) for the words "any Indian ship, not being a passenger ship,", the words "any Indian cargo ship" shall be substituted;

(*b*) in clause (*a*), before the word "safety", at both the places where it occurs, the words "cargo ship" shall be inserted;

(*c*) in clause (*b*), before the word "radio" at both the places where it occurs, the words "cargo ship" shall be inserted.

Amendment of section 303.

19. In section 303 of the principal Act,—

(*a*) in sub-section (*1*), for the words "safety equipment certificate, a qualified safety equipment certificate, an equipment certificate and a qualified equipment certificate" ' the words "a cargo ship safety equipment certificate, a qualified cargo ship safety equipment certificate, a cargo ship equipment certificate and a qualified cargo ship equipment certificate" shall be substituted;

(*b*) after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*1A*) A cargo ship safety construction certificate, a qualified cargo ship safety construction certificate, a cargo

ship construction certificate and a qualified cargo ship construction certificate shall be in force for five years from the date of its issue or for such shorter period as may be specified in the certificate.

(*1B*) An exemption certificate issued under section 302 shall be in force for the period for which the certificate to which it relates remains in force or for such shorter period as may be specified in the exemption certificate.";

(c) in sub-section (*2*), for the word, brackets and figure "sub-section (*1*)", the words, brackets, figures and letters "sub-sections (*1*), (*1A*) or (*1B*)" shall be substituted;

(*d*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Central Government or any person authorised by it in this behalf may grant an extension of any certificate issued under this Part in respect of an Indian ship—

(*a*) where the ship is absent from India on the date when the certificate would, but for the extension, have expired, for such period not exceeding five months from the said date as may be sufficient to enable the ship to return to the port in India at which it is to be surveyed;

(*b*) in any other case, for a period not exceeding one month from the said date:

Provided that any extension granted under clause (*a*) shall cease to be operative upon the ship's arrival at the port referred to in that clause:

Provided further that no extension shall be granted under clause (*b*) in respect of a certificate extended under clause (*a*).".

Amendment of section 304.

20. In section 304 of the principal Act, in sub-section (*1*), for the words "a safety certificate", the words "a passenger ship safety certificate" shall be substituted.

Amendment of section 306.

21. In section 306 of the principal Act,—

(*a*) in sub-section (*1*), for the word "registered", the words "registered or to be registered" shall be substituted;

(*b*) in sub-section (*2*), for the words "in respect of an Indian ship", the words "in respect of a ship registered or to be registered in India" shall be substituted.

Amendment of section 307.

22. In section 307 of the principal Act,—

(*a*) in sub-section (*1*), for the words "safety certificate" at both the places where they occur, the words "passenger ship safety certificate" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) for the words "Indian ship, of five hundred tons gross or more, not being a passenger ship,", the words "Indian cargo ship of five hundred tons gross or more" shall be substituted;

(*ii*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) a cargo ship safety construction certificate issued under section 299A, a cargo ship safety equipment certificate issued under section 300 and a cargo ship safety radio telegraphy certificate or a cargo ship safety radio telephony certificate issued under section 301, or";

(*iii*) in clause (*c*), for the words "qualified safety equipment certificate", the words "qualified cargo ship safety equipment certificate" shall be substituted;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) No sea-going Indian cargo ship, less than 500 tons gross but not less than 300 tons gross, shall proceed on a voyage from any port or place in India to any port or place outside India unless there is in force in respect of the ship a cargo ship safety radio telephony certificate issued under section 301.";

(*d*) in sub-section (*3*),—

(*i*) for the words "Indian ship of five hundred tons gross or more, not being a passenger ship,", the words "Indian cargo ship of five hundred tons gross or more" shall be substituted;

(*ii*) in clause (*a*), for the words "an equipment certificate", the words "a cargo ship equipment certificate" shall be substituted;

(*iii*) in clause (*b*), for the words "qualified equipment certificate", the words "qualified cargo ship equipment certificate" shall be substituted;

(*iv*) in clause (*c*), before the word "radio", at both the places where it occurs, the words "cargo ship" shall be inserted.

Amendment of section 308.

23. In section 308 of the principal Act,—

(*a*) in sub-section (*1*), for the words "every ship other than an Indian ship being a passenger ship or being a ship of five hundred tons gross or more", the words "every ship, being a passenger ship or being a cargo ship of three hundred tons gross or more" shall be substituted;

(*b*) in sub-section (*2*), the words "other than an Indian ship" shall be omitted;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) Nothing in this section shall apply in respect of an Indian ship or a nuclear ship.".

Amendment of section 309.

24. In section 309 of the principal Act, after the word and figures "sections 299,", the figures and letter "299A," shall be inserted.

Insertion of new section 309A.

25. After section 309 of the principal Act, the following section shall be inserted, namely:—

Alterations pending issue of a safety convention certificate.

"309A. Where any survey of a ship for the purpose of issue under this Part of a safety convention certificate has been completed, then, notwithstanding anything contained in this Act, the owner, agent or master of the ship shall not, until such certificate has been issued, make, or cause to be made, any alteration in the structural arrangements, machinery, equipment and other matters covered by the survey without the prior written permission of the Central Government or a person appointed by that Government in this behalf.".

Amendment of section 331.

26. In section 331 of the principal Act,—

(*a*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the classification, packing, labelling and marking of such goods or any

class of such goods, stowing of such goods (whether with or without other cargo) including plans for stowing, the fixing of the maximum quantity of any such class of goods which may be carried in different ships or classes of ships, and such other matters relating to dangerous goods as require to be provided for implementing the provisions of the Safety Convention.";

(*b*) in the *Explanation*, for the words "but shall not include any fog or distress signals or like equipment required to be carried by the ship under this Act or the rules or regulations thereunder.", the following shall be substituted, namely:—

"but shall not include,—

(*a*) any fog or distress signals or other stores or equipment required to be carried by the ship under this Act or the rules or regulations thereunder;

(*b*) particular cargoes carried in ships specially built or converted as a whole for that purpose, such as tankers.".

Insertion of new section 331A.

27. After section 331 of the principal Act, the following section shall be inserted, namely:—

Grain-loading plan.

"331A. (*1*) No grain shall be loaded on board any Indian ship anywhere unless there is in force in respect of such ship a grain-loading plan approved under sub-section (*3*) or sub-section (*4*).

(*2*) The grain-loading plan shall be in such form and contain such particulars as to the stability of the ship, circumstances of loading on departure and arrival, the main characteristics of the fittings used to prevent the shifting of cargo and such other matters as may be prescribed, having regard to the rules made under sub-section (*5*) of section 332.

(*3*) Save as otherwise provided under sub-section (*5*), the grain-loading plan shall be submitted to the Central Government for approval and that Government may, having regard to the rules made under sub-section (*5*) of section 332, the stability of the ship and the circumstances of loading on departure and arrival, approve the plan with such modifications, if any, as it may deem necessary.

(*4*) The Central Government may request the Government of a country to which the Safety Convention applies to approve the grain-loading plan of an Indian ship and an approval given in pursuance of such a request and containing a statement that it has been so given shall have effect for the purposes of this section as if the approval had been given by the Central Government.

(5) The Central Government may, at the request of the Government of a country to which the Safety Convention applies, approve the grain-loading plan of a ship registered in that country if the Central Government is satisfied, in the like manner as in the case of an Indian ship, that such approval can properly be given and where approval is given at such a request, it shall contain a statement that it has been so given.

(6) It is hereby declared that for the purpose of section 208 (which requires documents relating to navigation to be delivered by the master of a ship to his successor) the plan shall be deemed to be a document relating to the navigation of the ship.".

Amendment of section 332.

28. In section 332 of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where grain is loaded on board an Indian ship in accordance with a grain-loading plan approved under section 331A or where grain is loaded on board any other ship in accordance with a grain-loading plan approved by or on behalf of the Government of the country in which that ship is registered, the ship shall be deemed, for the purposes of sub-sections (1) and (2), to have been loaded with all necessary and reasonable precautions.";

(b) in sub-section (3),—

(i) in clause (a), the word "and" where it occurs last, shall be omitted;

(ii) for clause (b), the following clauses shall be substituted, namely:—

"(b) the kind of grain carried and quantity thereof stated in cubic feet, quarters, bushels or tons weight; and

(c) the mode in which the grain is stowed and the precautions taken to prevent the grain from shifting and where the grain has been stowed in accordance with the ship's grain-loading plan, if any, that it has been so stowed.";

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Any person authorised in this behalf, by general or special order of the Central Government may, for securing the observance of the provisions of this section, go on

board a ship carrying a cargo of grain and require the production of the grain-loading plan of the ship and inspect the mode in which the cargo is stowed in the ship.";

(*d*) in sub-section (5), for the words "make rules in relation to the loading of ships", the words "make rules in relation to grain-loading plans and the loading of ships" shall be substituted;

(*e*) in sub-section (6), for the words "this section", the words, figures and letter "section 331A and this section" shall be substituted.

Amendment of section 343.

29. In section 343 of the principal Act, in sub-section (1), for the words "any ship of less than five hundred tons gross other than a passenger ship", the words "any cargo ship of less than three hundred tons gross" shall be substituted.

Insertion of new Part IXA.

30. After Part IX of the principal Act, the following Part shall be inserted, namely:—

"PART IXA

NUCLEAR SHIPS

Application of Act to nuclear ships.

344A. (1) This Part applies only to nuclear ships.

(2) Notwithstanding anything contained in this Act, a nuclear ship shall not be required to obtain or produce any certificate referred to in sub-clauses (*i*) to (*ix*) of clause 38 of section 3 or, as the case may be, any like valid safety convention certificate.

(3) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act (other than the provisions of this Part and the provisions of section 456) specified in the notification—

(*a*) shall not apply to nuclear ships; or

(*b*) shall apply to nuclear ships, only with such exceptions, modifications and adaptations as may be specified in the notification.

(4) A copy of every notification proposed to be issued under sub-section (3) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are

in session and it shall not be issued until it has been approved, whether with or without modification, by each House of Parliament.

Nuclear passenger ship safety certificates and nuclear cargo ship safety certificates.

344B. (*1*) If in respect of any Indian nuclear passenger or cargo ship the Central Government is satisfied that the ship has been surveyed in accordance with this Act and has been inspected by a person appointed in this behalf by the Central Government and has complied with such special requirements, if any, as that person has, after such inspection, specified, the Central Government may issue—

(*a*) in the case of a passenger ship, a nuclear passenger ship safety certificate;

(*b*) in the case of a cargo ship, a nuclear cargo ship safety certificate.

(*2*) A certificate issued under sub-section (*1*) shall be in force for a period of twelve months from the date of issue or for such shorter period as may be specified in the certificate.

Prohibition of proceeding to sea without certificates.

344C. (*1*) No Indian nuclear ship shall proceed on a voyage from any port or place in India to any port or place outside India unless there is in force in respect of the ship—

(*a*) a nuclear passenger ship safety certificate, if she is a passenger ship;

(*b*) a nuclear cargo ship safety certificate, if she is a cargo ship.

(*2*) The master of a ship to which this section applies shall produce to the customs collector from whom a port clearance for the ship is demanded the certificate required by sub-section (*1*) when the ship proceeds to sea and the port clearance shall not be granted and the ship may be detained until the said certificate is so produced.

Safety assessment and operating manual.

344D. (*1*) Every Indian nuclear ship shall have on board a safety assessment and an operating manual in such form and containing such particulars and approved by such authority as may be prescribed.

(*2*) The safety assessment and the operating manual shall be prepared, maintained and kept up-to-date in such manner as may be prescribed.

Foreign nuclear ships to give advance notice of arrival.

344E. (*1*) No nuclear ship, other than an Indian ship, shall enter the territorial waters of India unless the master, owner or agent thereof has given such advance notice of the ship's intended arrival in India as may be prescribed, to such authority as may be specified by the Central Government, and has forwarded along with the notice a true copy of the ship's safety assessment to that authority.

(*2*) If on the examination and evaluation of the ship's safety assessment the authority referred to in sub-section (*1*) is of opinion that the entry of the ship will involve unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources, he may direct the nuclear ship not to enter the territorial waters of India and the ship shall comply with such direction.

Control on arrival of nuclear ships.

344F. (*1*) The master of every nuclear ship shall, on arrival at a port in India, give notice of the ship's arrival in the prescribed form to such authority as the Central Government may specify in this behalf.

(*2*) Any person authorised in this behalf (hereinafter referred to as the authorised person), by general or special order of the Central Government, may go on board such ship for the purpose of verifying that she has on board a valid nuclear passenger ship safety certificate or, as the case may be, nuclear cargo ship safety certificate and for the purpose of satisfying himself after examining the safety assessment and operating manual and such other things as he deems fit that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources.

(*3*) If the authorised person is satisfied after such examination that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources, he may issue a certificate to that effect.

Notice of accidents to nuclear ships.

344G. (*1*) Where an Indian nuclear ship meets with an accident and such accident is likely to lead to environmental hazards, the master of the ship shall forthwith give notice of the accident—

(*a*) to such officer or authority as may be specified in this behalf by the Central Government; and

(*b*) if the ship is in or intends to enter the territorial waters of a foreign State, also to the appropriate Governmental authority of the State.

(2) Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) while she is in the territorial waters of, or at a port in, India, the master of the ship shall forthwith give notice of the accident to the officer or authority specified under clause (a) of sub-section (1).

(3) On receipt of a notice under sub-section (1) or sub-section (2), the officer or authority specified under clause (a) of sub-section (1) shall issue such directions as he thinks necessary and expedient in the circumstances of the case and investigate into the causes of the accident in such manner as may be prescribed.

(4) A copy of the directions issued under sub-section (3) and a report of the findings of the investigation shall be sent to the Central Government within such time as may be prescribed.

(5) Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) at any port or place outside India and intends to enter the territorial waters of India in a damaged condition, the master of such ship shall give notice of the nature of the accident and the condition of the ship in such form as may be prescribed to the officer or authority specified under clause (a) of sub-section (1) and shall comply with such directions as that officer or authority may give.

(6) The provisions of this section are in addition to and not in derogation of the provisions of Part XII of this Act.

Application of certain sections to or in relation to certain certificates under section 344B.

344H. (1) The provisions of sections 228 to 231 (inclusive) shall, so far as may be, apply to and in relation to every certificate issued by the Central Government under section 344B in the same manner as they apply to and in relation to a certificate of survey.

(2) The provisions of section 309A shall apply to and in relation to a nuclear ship surveyed for the purpose of issue of a certificate under section 344B as they apply to and in relation to a ship surveyed for the purpose of issue of a safety convention certificate under Part IX.

Power to make rules.

344I. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Part.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the design, construction and standards of inspection and assembly of the reactor installations of nuclear ships;

(*b*) the standards of safety of nuclear ships;

(*c*) the manner of survey of nuclear ships;

(*d*) the forms in which certificates under this Part may be issued;

(*e*) the form and manner in which the safety assessment and operating manual of a nuclear ship are to be prepared, maintained and kept up-to-date and the particulars to be contained therein;

(*f*) the form of notices under this Part and the time when such notices should be given;

(*g*) the manner in which investigations may be made into causes of accidents to a nuclear ship;

(*h*) the special precautions to be taken against unreasonable radiation or other nuclear hazards to the crew, passengers and other persons, to waterways and to food and water resources;

(*i*) the manner in which radio-active waste from nuclear ships is to be stowed and disposed of;

(*j*) the manner in which the reactor fuelling, defuelling and refuelling and maintenance of nuclear ships are to be carried out;

(*k*) the special training for and qualifications of, masters and seamen of nuclear ships;

(*l*) the special requirements relating to approach, entry into, stay in or departure from, an Indian port of a nuclear ship;

(*m*) the procedure to be followed for determining the operational conditions of a nuclear ship;

(*n*) the protection and closure of the reactor installation of nuclear ships in the case of a collision, grounding, fire, leakage of radio-active material or other accident;

(o) the fees to be charged for any inspection survey or certificate under this Part;

(p) any other matter which has to be or may be prescribed.".

Amendment of section 354.

31. In section 354 of the principal Act, after the words "direct danger to navigation", the words "or on encountering sub-freezing air temperatures associated with gale-force winds, causing severe ice accretions on super-structures or strong gales for which no storm warning has been received by him" shall be inserted.

Insertion of new section 354A.

32. After section 354 of the principal Act, the following section shall be inserted, namely:—

Communication of intelligence regarding dangers to navigation.

"354A. (1) Where an authority prescribed under section 354 receives intelligence from any source of any danger to navigation mentioned in that section, that authority shall, as soon as possible, communicate such intelligence to such ships and authorities as he may deem proper.

(2) The intelligence shall be communicated in such manner and subject to such terms and conditions as may be prescribed:

Provided that no fees shall be levied for communicating any intelligence under this section to a ship.".

Insertion of new section 355A.

33. After section 355 of the principal Act, the following section shall be inserted, namely:—

Obligation to render assistance to persons in danger.

"355A. (1) The master of every Indian ship shall render assistance to every person found at sea in danger of being lost, unless he is unable or, in the special circumstances of the case, considers that such assistance cannot be rendered without serious danger to his ship, or the persons thereon.

(2) If the master of an Indian ship is unable or considers it unreasonable to go to the assistance of a person found at sea in danger of being lost, the master shall forthwith cause a statement to be entered in the official log book or, if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of that person.".

Amendment of section 356.

34. In section 356 of the principal Act,—

(*a*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the manner of communicating intelligence regarding dangers to navigation, the terms and conditions subject to which such intelligence may be communicated and the fees which may be levied for the communication of intelligence;";

(*b*) in clause (*b*), for the words "signals of distress and of urgency", the words "signals of distress, urgency and of safety" shall be substituted;

(*c*) in clause (*d*), for the words "radio telegraphy", the words "radio telegraphy or telephony" shall be substituted.

Amendment of section 436.

35. In section 436 of the principal Act, in sub-section (*2*), in the table,—

(*a*) in item 97,—

(*i*) in the second column, the words, brackets and figure "sub-section (*1*) of" shall be omitted;

(*ii*) in the third column, the brackets and figure "(*1*)" shall be omitted;

(*b*) after item 98 the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
"98A	If the owner, agent or master fails to comply with section 309A.	309A	Fine which may extend to five hundred rupees.",

(*c*) after item 105, the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
"105A	If the owner, agent or master fails to comply with sub-section (*1*) of section 331A.	331A	Fine which may extend to one thousand rupees.";

(*d*) after item 108, the following items shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
"108A	If an Indian nuclear ship proceeds or attempts to proceed to sea in contravention of sub-section (*1*) of section 344C.	344C	The master or owner shall be liable to fine which may extend to ten thousand rupees.
108B	If an Indian nuclear ship fails to comply with sub-section (*1*) of section 344D.		The master or owner or agent shall be liable to imprisonment which may extend to six months or fine which may extend to ten thousand rupees or both.
108C	If a nuclear ship other than an Indian ship enters the territorial waters of India in contravention of section 344E.	344E	The master shall be liable to fine which may extend to ten thousand rupees.
108D	If the master of a nuclear ship fails to give the notice required by sub-section (*1*) of section 344F.	344F	Fine which may extend to ten thousand rupees.
108E	(*a*) If the master of a nuclear ship fails to give the notice required by sub-section (*1*) or sub-section (*2*) or sub-section (*5*) of section 344G;	344G (*1*), (*2*) and (*5*)	Imprisonment which may extend to one year or fine which may extend to ten thousand rupees or both;
	(*b*) if the master of a nuclear ship fails to comply with any directions issued under sub-section (*3*) or sub-section (*5*) of section 344G.	344G (*3*) and (*5*)	Imprisonment which may extend to one year or fine which may extend to ten thousand rupees or both.";

(*e*) after item 115, the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
"115A	If a master fails to comply with section 355A.	355A	Imprisonment which may extend to six months or fine which may extend to one thousand rupees or both.".

Insertion of new section 454A.

36. After section 454 of the principal Act, the following section shall be inserted, namely:—

Power to prescribe alternative fittings, etc.

"454A. Where this Act requires that a particular fitting, material, appliance or apparatus or any type thereof shall be fitted or provided for in a ship or that any particular provision shall be made in a ship, the Central Government after satisfying itself by trials or otherwise that any other fitting, material, appliance or apparatus or type thereof or provision is as effective as that so required, may permit, by general or special order, such other fitting, material, appliance or apparatus or type thereof or provision to be used or provided.".

Amendment of section 456.

37. In section 456 of the principal Act, to sub-section (*1*), the following proviso shall be added, namely:—

"Provided that no exemption which is prohibited by the Safety Convention shall be granted under this sub-section.".

Amendment of section 458.

38. In section 458 of the principal Act,—

(*a*) in sub-section (*2*), in clause (*a*), for the word and figures "section 331", the words, figures and letter "section 331 or section 344I" shall be substituted;

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(3) Every rule or regulation made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or the regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.".

Insertion of new section 460A.

39. In Part XVII of the principal Act, after section 460, the following section shall be inserted, namely:—

Removal of difficulties.

"460A. If any difficulty arises in giving effect to the provisions of this Act, in so far as they relate to the Safety Convention, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.".

STATEMENT OF OBJECTS AND REASONS

The minimum standards laid down in the Merchant Shipping Act, 1958 which merchant ships should comply with in the interests of safety of life and property at sea are based on the International Convention for the Safety of Life at Sea, 1948. The Fourth International Conference on Safety of Life at Sea which met in London in May-June, 1960 under the aegis of the Inter-Governmental Maritime Consultative Organisation, one of the specialised agencies of the United Nations, reviewed the 1948 Convention in the light of the experience of various countries during the intervening twelve years and decided to replace it by a new Convention, namely, the International Convention for the Safety of Life at Sea, 1960. The new Convention was adopted on the 17th June, 1960 and was, subject to acceptance, signed, among others, by the representatives of the Government of India. As a prelude to depositing our acceptance of the 1960 Convention, it is necessary to amend the Merchant Shipping Act, 1958 suitably. As the Merchant Shipping Act already embodies the requirements of the 1948 Convention, it is necessary to amend that Act only to the extent that the 1960 Convention has deviated from the 1948 Convention.

2. Some of the more important requirements of the 1960 Convention which involve deviation from the provisions of the 1948 Convention and which therefore call for amendment of the Merchant Shipping Act, 1958 are summarised below:—

(1) *Survey of cargo ships and issue of safety certificates to cargo ships.*—Under the 1960 Convention, the scope of survey of cargo ships has been extended to cover the survey of hull, machinery and other equipment of cargo ships. Further, all cargo ships of over 500 tons gross will be required to carry in addition to the existing certificates a safety construction certificate issued by or under the authority of a contracting Government. It is, therefore, necessary to make suitable provisions in the Act for survey of cargo ships and for the issue of safety construction certificates to cargo ships.

(2) *Stability data.*—In contrast to the 1948 Convention, the 1960 Convention requires that every ship must carry on board sufficient data to enable the master, by rapid and simple processes, to obtain accurate guidance as to the stability of a ship under varying conditions of service.

(3) *Life-saving appliances.*—The most important deviation made by the 1960 Convention in regard to life-saving appliances relates to the removal of the restriction imposed by the 1948 Convention on the use of inflatable and other rafts which depend on air for their buoyancy. Inflatable life-rafts as well as rigid life-rafts as an alternative are now acceptable, provided these comply with certain conditions.

(4) *Radio installation.*—Under the 1948 Convention, cargo ships below 500 tons gross were not required to be fitted with radio installations but under the 1960 Convention even cargo ships of less than 500 but not less than 300 tons gross are required to be fitted with such installations.

(5) *Carriage of grain cargo.*—The 1960 Convention contains a number of new requirements relating to the carriage of grain in ships. Emphasis is laid on the need for giving trimming and on the fundamental importance of preserving the stability of the ship. Duly approved grain-loading plans are required to be carried on board by ships carrying grain and such plans are required to be accepted by the other contracting Governments as evidence of compliance with the requirements of the Convention.

(6) *Carriage of dangerous goods.*—The 1960 Convention contains a number of new regulations relating to the classification, Packing, labelling, documentation and stowage of dangerous goods on board ships.

(7) *Nuclear ships.*—The 1948 Convention does not contain any special provisions relating to nuclear ships. Having regard to the new problems in the field of safety owing to the advent of nuclear power as one of the means of propulsion for merchant ships, and having regard to the hazards inherent in the nuclear ships, it is necessary to have special provisions relating to nuclear ships. The 1960 Convention contains a special Chapter for this purpose. A number of requirements are provided for in this Chapter for the purpose of ensuring that nuclear ships do not become a source of danger to life, not only at sea but also at ports and other places and that such ships do not become a source of contamination of food and water resources.

(8) The Notes on clauses explain the other deviations made by the 1960 Convention.

3. The Bill seeks to give effect to the various deviations made by the 1960 Convention and mentioned above by making suitable amendments in the Act.

NEW DELHI; RAJ BAHADUR.

The 2nd December, 1965.

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Notes on clauses

Clause 2.—The definitions of 'cargo ship', 'international voyage', nuclear ship' and 'tanker' are based upon the definitions of those expressions in the 1960 Convention. The definition of 'safety convention' contained in clause (38) of section 3 of the Act is being amended to mean the Safety Convention of 1960. The definition of 'safety convention certificate' in clause (38) of section 3 of the Act is being amended to include the various certificates required under the Safety Convention of 1960.

Clause 3.—Section 9 of the Act provides for appointment of surveyors of ships by the Central Government. The 1960 Convention permits the contracting Governments to entrust the survey of ships to non-governmental persons or agencies. It has been decided that for the present, such power should be taken in respect of cargo ships only. Section 9 is being amended for this limited purpose.

Clauses 4, 5 *and* 6.—The changes in sections 241, 242 and 244 are of a consequential nature and are intended to make it clear that for the purposes of the said sections, a nuclear passenger ship safety certificate would, in the case of nuclear ships, have the same effect as a passenger ship safety certificate would have, in the case of non-nuclear passenger ships.

Clause 7.—The 1960 Safety Convention provides *inter alia* for the issue of safety construction certificates to cargo ships and contains several provisions as to construction rules, applicable in the case of cargo ships. Section 284 which deals with construction rules in the case of passenger ships is being amended to provide that the Central Government may make construction rules in relation to cargo ships also.

Clause 8.—The 1960 Convention permits the use of inflatable and other life-rafts. Accordingly, section 288 which deals with the power of the Central Government to make rules as to life-saving appliances is being amended to include within the purview of that section matters relating to life-rafts and the training of crew in launching and using life-rafts.

Clause 9.—(i) *Sub-clause* (*a*).—Unlike the 1948 Convention, the 1960 Convention requires even cargo ships of less than 500 tons gross

but not less than 300 tons gross to be fitted with radio installation. Sub-clause (a) gives effect to this.

(ii) *Sub-clause* (*b*).—The amendment is of a consequential nature.

(iii) *Sub-clause* (*c*).—In the case of ships of 1600 tons gross or more, the 1960 Convention provides that every exemption from the obligation to provide with a radio telegraphy installation should be subject to the condition that the ship shall have on board a radio telephony installation. Further, the Convention prohibits exemptions from the requirements as to radio installation, radio telegraphy service and radio telephony service in cases where such exemption will have an adverse effect on the general efficiency of the distress service for the safety of ships. Sub-clause (c) seeks to give effect to these requirements.

Clause 10.—The 1960 Safety Convention, like the 1948 Convention requires that every ship of 1600 tons gross or more shall be provided with a radio direction finder. Further, the 1960 Convention provides for exemption being granted from this requirement in the case of ships under 5000 tons gross in certain specified cases. Proposed sub-section (2) of section 292 gives effect to the relevant provisions of the 1960 Convention as to such exemptions.

Clause 11.—This clause seeks to remove a requirement as to radio watch, which is no longer required.

Clause 12.—The amendment to sub-section (1) of section 296 of the Act is of a consequential nature. The amendment to sub-section (2) of that section empowers the Central Government to make rules as to the radio telegraphy installations on motor life-boats and survival craft and is for the purpose of implementation of the various new provisions in the 1960 Safety Convention relating to the subject.

Clause 13.—This clause seeks to amend section 297 of the Act to give effect to the new requirement in the 1960 Convention that the signalling lamp of ships of the type referred to in the section shall not be solely dependent upon the ship's main source of electrical power.

Clause 14.—The 1960 Safety Convention requires that every ship must carry on board sufficient data to enable the master, by rapid and simple processes, to obtain accurate guidance as to the stability of his ship under varying conditions of service. The Convention also requires that any change in the data should be duly communicated to the appropriate authorities of the country in which the ship is registered. The amendments to section 298 are for giving effect to these requirements.

Clause 15.—The amendments to section 299 are of a consequential nature.

Clause 16.—This clause seeks to insert two new sections, section 299A and section 299B. Both these sections relate to cargo ships and provide respectively for the issue of safety convention certificates to cargo ships as required under the 1960 Safety Convention and for the making of rules as to survey of cargo ships for the purpose of issue of such certificates.

Clauses 17 *and* 18.—The amendments to sections 300 and 301 are of a consequential nature.

Clause 19.—Section 303 provides for the duration of various safety convention certificates. The 1960 Safety Convention gives power to the contracting Governments to fix the period for which cargo ship safety construction certificates shall be valid. A period of five years has been considered reasonable and administratively convenient for this purpose. Proposed sub-section (1A) which sub-clause (b) of this clause seeks to insert in section 303 gives effect to this.

The other changes which clause 19 seeks to make in section 303 of the Act are for the purpose of giving effect to the provisions of the 1960 Safety Convention as to the duration of various safety convention certificates.

Clause 20.—The amendment to section 304 is of a consequential nature.

Clause 21.—Section 306 of the Act provides for the issue in India of safety convention certificates to ships registered in foreign countries, and also for the issue in foreign countries of such certificates to ships registered in India. The 1960 Safety Convention provides for extension of similar facilities even to ships which are yet to be registered. The section is being amended to give effect to this.

Clause 22.—The 1960 Convention requires that even cargo ships of less than 500 tons gross but not less than 300 tons gross should have a radio telephony certificate. For this purpose, clause (c) of this clause seeks to insert a new sub-section (2A) in section 307 of the Act. The other amendments to section 307 are of a consequential nature.

Clauses 23 *and* 24.—The amendments to sections 308 and 309 are of a consequential nature.

Clause 25.—Except in cases where the prior permission of the appropriate authorities has been obtained, the 1960 Convention prohibits the making of any alterations during the interval between the completion of a survey of the ship for the issue of a certificate and the actual issue of such certificate. New section 309A seeks to give effect to this requirement.

Clause 26.—*Sub-clause* (*a*).—The 1960 Safety Convention contains a number of new regulations relating to the classification, packing, labelling, documentation and stowage of dangerous goods on board ships. Sub-section (2) of section 331 of the Act which provides for the various matters relating to dangerous goods, with regard to which the Central Government may make rules, is being amended to include the matters to which these new regulations pertain.

Sub-clause (*b*).—The definition of the expression 'dangerous goods' contained in the Explanation to section 331 is also being amended to exclude from its purview particular cargoes carried in ships, such as tankers, specially built or converted as a whole, for the purpose and thereby to bring it into conformity with the definition contained in the 1960 Safety Convention.

Clause 27.—The 1960 Convention requires the masters of grain ships to carry properly approved grain-loading plans. Proposed section 331A which clause 27 seeks to insert in the principal Act accordingly provides that no grain shall be loaded on board any Indian ship anywhere unless there is in force in respect of such ship a duly approved grain-loading plan. The section also makes provisions for approval of grain-loading plans and matters incidental thereto.

Clause 28.—The 1960 Convention stipulates that a grain-loading plan approved by a contracting Government shall be accepted as sufficient evidence that a particular ship when loaded in accordance with such plan meets the requirements of the Convention. Sub-clause (a) seeks to give effect to this.

The amendments proposed in sub-clauses (b), (c), (d) and (e) are mainly of a consequential nature.

Clause 29.—The amendment is of a consequential nature.

Clause 30.—The 1960 Convention contains a special Chapter on nuclear ships. A number of requirements have been incorporated in this Chapter for the purpose of ensuring that nuclear ships do not become a source of danger to life, not only at sea but also at ports

and other places and that ships do not become a source of contamination of food and water resources. This clause introduces a new Part IXA in the principal Act to give effect to the various requirements of the Convention as to nuclear ships.

New Section 344*A*.—This section deals with application of the provisions of the Act in relation to nuclear ships. Nuclear power as a means of propulsion for merchant ships presents unique problems. In the present state of development of nuclear science, it is not even possible to visualise all these problems. It will not, therefore, be advisable to apply the provisions of the Act which have been formulated with reference to the ordinary ships to nuclear ships in their entirety. Accordingly, provision is made empowering the Central Government to apply certain provisions of the Act with such exceptions, modifications and adaptations as may be specified in the notification.

Sub-section (4) of the section embodies the safeguard normally provided for in cases of delegation of such powers and it lays down that such notification shall be laid in draft before both Houses of Parliament for a period of not less than 30 days while they are in session and shall not be issued until it has been approved, whether with or without modifications, by each House of Parliament.

New Section 344*B*.—This provides for the issue of nuclear passenger ship safety certificates and nuclear cargo ship safety certificates and the periods of validity of such certificates.

New Section 344*C*.—This is self-explanatory and is intended to ensure that Indian nuclear ships do not proceed on international voyages without the requisite safety certificates required by the 1960 Convention.

New Section 344*D*.—In compliance with the 1960 Convention, this section requires every Indian nuclear ship to have on board a safety assessment and operating manual and makes provision for matters incidental thereto.

New Section 344*E*.—This requires foreign nuclear ships to give advance notice of their arrival in Indian territorial waters and provides for necessary control to ensure that there are no hazards involved in permitting the ship to enter Indian waters.

New Section 344*F*.—This is self-explanatory and it *inter alia* provides for control on the arrival of a nuclear ship at a port in India.

New Section 344*G*.—This section provides for notice of any accident anywhere to an Indian nuclear ship and of accidents to foreign nuclear ships in the territorial waters of India, to be given

to the authorities mentioned in the section. It also provides for the action to be taken on receipt of such notice and for other matters incidental thereto.

New Section 344*H*.—Sections 228 to 231 of the principal Act deal with certificates of survey and provide for certain necessary matters in relation to certificates, such as cancellation or suspension of certificates, alterations in ships subsequent to grant of certificates, delivery of expired or cancelled certificates, affixing of certificates in conspicuous places. This section seeks to make those provisions applicable in the case of certificates issued under Part IXA on practically the same lines as section 309 of the principal Act makes those provisions apply in relation to certain certificates issued under Part IX of the Act.

New Section 344*I*.—This section seeks to confer on the Central Government powers to frame rules to carry out the purposes of Part IXA.

Clause 31.—The amendment is intended to provide expressly for certain additional dangers to navigation which a master of an Indian ship is required to report under the section.

Clause 32.—This clause seeks to insert a new section 354A to provide, as required by the Safety Convention, 1960, for communication of intelligence regarding dangers to navigation.

Clause 33.—This clause seeks to insert a new section 355A for the purpose of imposing an obligation on masters of Indian ships to render assistance to persons found at sea in danger of being lost and is modelled to some extent on the provisions of section 355 of the Act.

Clause 34.—The amendments are of a consequential nature.

Clause 35.—This clause seeks to amend section 436 of the principal Act to provide for penalties for contravention of the various new provisions.

Clause 36.—This clause which is self-explanatory seeks to insert a new section 454A for the purpose of incorporating in the Act an enabling provision permitted by the Convention and empowers the Central Government in this regard.

Clause 37.—By way of abundant caution, this clause seeks to add a proviso to sub-section (1) of section 456 of the principal Act to ensure that no exemption which is prohibited by the Safety Convention is granted under the sub-section.

Clause 38.—The amendment to sub-section (2) of section 458 of the principal Act is of a consequential nature.

Sub-clause (b) of this clause provides for the usual provision relating to laying of rules.

Clause 39.—This seeks to insert a new section 468 providing for removal of difficulties in giving effect to the provisions of the Act in so far as they relate to the Safety Convention.

FINANCIAL MEMORANDUM

New section 354A which clause 32 seeks to insert in the principal Act provides, as required by the Safety Convention of 1960, that intelligence regarding dangers to navigation mentioned in section 354 of the principal Act should be communicated to certain ships free of charge. The need for communicating such messages being of a highly contingent nature, it is not possible to estimate the expenditure likely to be involved as a result of the provision.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Several provisions in the 1960 Convention which are sought to be implemented by the present Bill pertain to matters of detail and such matters are best left to be regulated by rules as has been done earlier in the principal Act in connection with the implementation of the 1948 Convention.

Clause 7 seeks to amend section 284 of the principal Act to enable the Central Government to make rules in regard to the construction requirements for cargo ships.

Clause 8 seeks to amend section 288 of the principal Act to enable Central Government to make rules in regard to (a) training of crews in launching and using life-rafts (b) provisions to be made for mustering the persons on board a ship and for embarking them in life-rafts and (c) the provision of suitable means situated outside the engine room whereby any discharge of water into life-rafts can be prevented.

Clause 12 seeks to insert a new clause in section 296 of the principal Act to confer power on the Central Government to make rules in respect of radio installations on motor life-boats and survival craft.

Clause 16 seeks to insert a new section (modelled on section 236 of the Act which deals with powers to make rules as to surveys of passenger ships)—section 299B—in the principal Act for empowering the Central Government to make rules to regulate the making of surveys of cargo ships.

Clause 26 seeks to amend section 331 of the principal Act to enable the Central Government to make rules with regard to additional requirements relating to carriage of dangerous goods laid down by the 1960 Convention.

Clause 28 seeks to add to the rule-making power of the Central Government under sub-section (5) of section 332 of the principal Act so as to bring within its purview matters relating to grain-loading plans.

Clause 30 seeks to insert in the principal Act new Part IXA relating to nuclear ships. Proposed section 344I of this Part seeks to confer on the Central Government powers to frame rules to carry out the purposes of the Part.

Clause 34 seeks to amend section 356 of the principal Act to enable Central Government to make rules with regard to the additional requirements under the 1960 Convention as to communication of information regarding dangers to navigation.

2. New section 344A which clause 30 seeks to insert in the principal Act relates to the application of the provisions of the principal Act to nuclear ships. Sub-section (3) of the section seeks to confer power on the Central Government to direct by notification in the Official Gazette that the provisions of the Act enumerated therein shall not apply to nuclear ships or shall apply to nuclear ships only with such exceptions, modifications and adaptations as may be specified in the notification. Such a provision is necessary as the provisions of the Act which have been designed more with a view to ordinary ships may not be capable of being directly applied to nuclear ships. Further, in view of the present state of nuclear science and the possible developments in future, it would be necessary to take such power so that the provisions of the Act are suitably modified in consonance with new developments in the field. The safeguard normally provided for in cases of delegation of such powers is embodied in sub-section (4) which provides *inter alia* that the notification proposed to be issued under sub-section (3) shall be laid in draft before both Houses of Parliament for a period of not less than 30 days while they are in session and shall not be issued until it has been approved, whether with or without modifications, by each House of Parliament.

3. The matters mentioned in paragraph 2 pertain essentially to matters of procedure and detail. The delegation of power referred to in paragraph 3 is necessary for the special reasons mentioned in that paragraph. The delegation of legislative power is, therefore, of a normal character.

B. N. BANERJEE,
Secretary.

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